

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Preston Bennett,)	
)	
)	
<i>Plaintiff,</i>)	
)	18-cv-4268
-vs-)	
)	Judge Blakey
Thomas Dart, Sheriff of Cook)	
County, et al.,)	
)	
)	
<i>Defendants.</i>)	

PLAINTIFF'S MOTION FOR SANCTIONS

Plaintiff Preston Bennett, by counsel, moves the Court to impose sanctions against defendants Dart and Cook County pursuant to Rule 37(b) of the Federal Rules of Civil Procedure for failure to comply with the Court's order entered December 5, 2022, requiring defendants to turn over an updated class list by December 23, 2022, Dkt. 177, Minute entry.

Grounds for this motion are as follows:

1. The Court directed defendants to turn over an updated class list by December 23, 2022. Dkt. 177, Minute entry. Defendants did not comply with the Court's order. And despite requests to defendants' primary attorney seeking a status on production, defense counsel did not respond to class counsel.¹

¹ Defendants' refusal to communicate with class counsel is not isolated to this incident. Beginning December 7, 2022, class counsel requested to hold a telephone conferral to discuss the matters that must be addressed in an updated status report due January 6, 2023. See Dkt. 177, Minute entry; Exhibit 1 at 5, T.Morrissey e-mail sent 12/7/2022; Exhibit 1 at 4-5, P.Morrissey e-mail sent 12/13/2022; Exhibit 1 at 3, P.Morrissey e-mail sent 12/16/2022; Exhibit 1 at 1-2, P.Morrissey e-mails sent 12/23/2022. Despite many e-mails and voice mail messages, defense counsel has not provided any commitment to hold a conferral.

2. A demand letter is due on January 19 pursuant to an order by Magistrate Judge Cox and production of the updated class list is necessary to fashion a demand.

3. To avoid motion practice, class counsel wrote to defense counsel on December 28 seeking a status regarding this issue. Exhibit 1 at 1, P.Morrissey e-mail sent 12/28/2022. Defense counsel did not respond so class counsel left a voice message with Mr. Jack Bentley on January 3, 2023 and sent a follow-up e-mail. *Id.* at 1, P. Morrissey e-mail sent 1/3/2023 at 9:51 am. Despite these efforts, defense counsel failed to contact plaintiff's counsel.

It is therefore respectfully requested that pursuant to Rule 37(b) of the Federal Rules of Civil Procedure that the Court find defendants in violation of this Court's order, direct the updated class list be turned over without delay, and any other relief that the Court deem appropriate for violating the Court's order.

Respectfully submitted,

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